

# Non-Public (Private) School Equitable Services under ESSA

Spring Statewide Conference  
June 5, 2017

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MASSACHUSETTS DEPARTMENT OF  
ELEMENTARY AND SECONDARY  
**EDUCATION**



# Agenda

- ★ Key concepts

- ★ Title I: Outreach, Consultation & Equitable Services

- ★ Title IIA: Outreach, Funding (changes), PD Services

- ★ Title III: Identification, Funding & Equitable Services

- ★ ESSA Changes

- ★ Communication

- ★ Resources

- ★ Ombudsman



# Key concepts

## Basic Premises:

- ★ Services must be equitable to those provided to public school children and their educators
- ★ Services must be developed in consultation with private school officials (timely and meaningful)



# Title I: Find your eligible students

- ★ **Eligible student: resident of your district who would have attended a Title I-served school in your district**
- ★ **Obtain record of resident student school attendance (district office):**
  - Annual resident census compared to list of enrollment, plus private school reports (M.G.L. Ch. 72, sec. 2)
  - “Individual Non-Public School Report” submitted in Nov.
  - “School Attending Children” report submitted in March
- ★ **List students and their schools (even if out of district)**



# Communication

## ★ Offers of consultation (letters) to private schools:

- Send letters (electronic or paper) to private school officials (see sample letter on website)
- Maintain record of letters sent and obtain responses (affirmative or negative)
- Send letters that require signature of receipt (return receipt)
- Do follow-up by phone and keep records



# Determine funds generated

## ★ Get count of low-income students

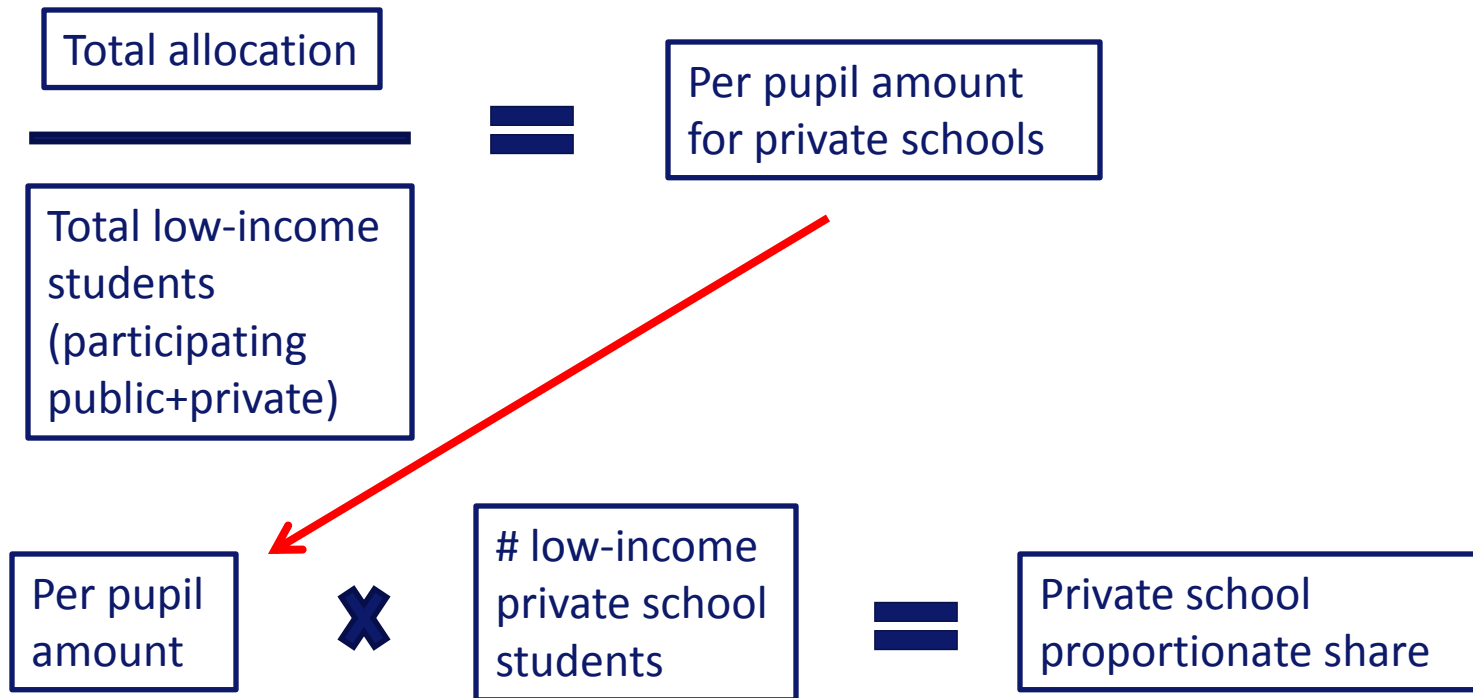
- Same source or comparable data (FRPL eligibility)
- Extrapolation from a representative sample
- Correlation of sources of data
- Application of percentages at district-served school to private school children in attendance area (Proportionality)

## ★ Enter into Non-Public Participation form in Title I application



# Determine Proportionate Share

- ★ ESSA change: share based on total district allocation, not on school-level allocations after district reservations



# *Timely and meaningful consultation*

- ★ Should take place during design and development of your district program
- ★ A limited offer to participate in your district's existing program is not sufficient
- ★ Issues to address (see new “Affirmation of Consultation and Agreement with Participating Non-Public School Officials under ESSA”):
  - Identification of children's needs
  - What services will be offered
  - How, where, and by whom services will be offered
  - Types of assessment to be used and how they will be used to evaluate and improve services
  - How proportion of funds is determined and what low-income data collection method to use
  - Whether to pool, to use a contractor, option to disagree in sign-off





# Program development

## ★ ***Equitable supplementary services***

- ★ Private school per-pupil amount times number of low-income students from the pool of eligible students equals funding available to provide Title I services
- ★ Services are not necessarily the same as the public schools' (in size, content, and grades served)

## ★ **Components**

- ★ Needs assessment
- ★ Academic services
- ★ Assessment of progress
- ★ Parental involvement activities
- ★ Professional development opportunities
- ★ Evaluation



# Documentation

- ★ Keep records of offers for consultation (return receipt)
- ★ Keep records of low-income count for each participating school
- ★ Obtain signed “affirmation of consultation and agreement” proving that consultation has occurred. It is to be signed by officials of each participating private school (will be part of Title I application submission)
- ★ If there is disagreement over use of third-party provider, provide written explanation of reasons behind your decision along with signed affirmation of consultation(see Title I website for specific guidance on third-party contract requirements)



# Affirmation of Consultation and Agreement form (revised – use one form for all Titles – submit with Title I application)

## Affirmation of Consultation and Agreement with Participating Non-Public School Officials under the Every Student Succeeds Act

Last Updated May 2017

The Every Student Succeeds Act of 2015 (ESSA) requires that timely and meaningful consultation occur between each public school district receiving ESSA funds and non-public (private) school officials serving children who reside in the district prior to any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs funded under Title I, II, III, and IV.

The goal of consultation is for district and private school officials to reach agreement on whether and how the district will provide equitable and effective programs for eligible private school children. ESSA requires that evidence of consultation and agreement be transmitted to the state-designated ESSA private school ombudsman.

This form, which documents consultation for Title I, II, III, and IV programs, should be completed by district and participating private school officials prior to implementation of services. Note that district eligibility for each Title program may vary on an annual basis.

The table below describes required consultation topics. Checkmarks indicate the Title programs to which each requirement applies.

Topics of Consultation by Title Program		I	II	III	IV
a.	How the district will identify the needs of eligible non-public school children and their educators	✓	✓	✓	
b.	What services the district will offer to eligible non-public school children and their educators	✓	✓	✓	
c.	How and when the district will make decisions about the delivery of services	✓	✓	✓	
d.	How, where and by whom the district will provide services to eligible non-public school children, including a thorough consideration and analysis of the views of the non-public school officials on the provision of services through a contract with a third-party provider	✓	✓	✓	✓
e.	How the district will assess academically the services to eligible non-public school children and how the district will use the results of that assessment to improve services	✓	✓	✓	
f.	The size and scope of the equitable services that the district will provide to eligible non-public school children and the proportion of funds that will be allocated to provide these services, and how that proportion of funds is determined	✓	✓	✓	✓
g.	The method or sources of data that the district will use to determine the number of non-public school children from low income families residing in participating public school attendance areas, including whether the district will extrapolate data, if a survey is used	✓			
h.	The equitable services the district will provide to teachers and families of participating non-public school children	✓			
i.	Whether the district shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor	✓	✓	✓	✓



# Affirmation of Consultation and Agreement form (second page – signatures)

Topics of Consultation by Title Program		I	II	III	IV
j.	Whether to consolidate and coordinate the use of funds to eligible private school children: <ul style="list-style-type: none"> <li>by creating a pool or pool of funds with all the funds allocated under Titles I, II, III, and IV; or</li> <li>on a school-by-school basis based on each the proportionate share of funds available to provide services in each school</li> </ul>	✓	✓	✓	✓
k.	When, including the approximate time of day, services will be provided	✓	✓	✓	
l.	The option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children	✓	✓	✓	✓

Title Programs Discussed During Consultation		I	II	III	IV
Check boxes to indicate the Title program(s) discussed during consultation					

Below, the consulting public school official and private school official should sign and indicate in the space provided whether each party agrees or disagrees that (a) timely and meaningful consultation occurred before the public school district made any decision that affected the participation of eligible private school children in any of the Title programs listed above, and (b) that the program design is equitable with respect to eligible private school children.

*Private School Official*      *School/District*      *Date*      *Agree*      *Disagree*

*Public School Official*      *District*      *Date*      *Agree*      *Disagree*

The public school official and participating private school official should each maintain a copy of this form for their records. The public school district is required to submit a copy of this form to the Massachusetts Department of Elementary and Secondary Education with its annual request for Title I grant funding. Detailed submission instructions will be provided on an annual basis.

If either party has signaled disagreement during consultation, please contact Massachusetts' ESSA private school ombudsman soon after the consultation meeting, at [ESEAequitable@doe.mass.edu](mailto:ESEAequitable@doe.mass.edu) or 781-338-6259.



# Website Resources

[www.mass.gov/ese/titlei](http://www.mass.gov/ese/titlei)

“Title I, Part A” → “Program Design” → “Private School Services”

[www.mass.gov/ese/essa](http://www.mass.gov/ese/essa)

“Non-Public (Private) School Equitable Services Under ESSA “

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## Non-Public (Private) School Equitable Services Under ESSA

By the [Title I, Elementary and Secondary Education](#)

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### Non-Public (Private) School Equitable Services Under ESSA

As with prior authorizations of the Elementary and Secondary Education Act, the Every Student Succeeds Act (ESSA) contains provisions aimed at making certain forms of assistance available to children attending non-public schools. Under ESSA, changes to the pre-existing non-public school equitable services requirement include how to determine and communicate equitable funding information, details regarding the public school district-private school consultation process, and the establishment of a newly required ombudsman position at the state level.

[U.S. Department of Education Guidance on ESSA Equitable Services for Non-Public Schools](#)

[ESSA Changes to Equitable Services for Private School Students](#) 

[Affirmation of Consultation and Agreement with Participating Non-Public School Officials under ESSA](#) 

### ESSA Ombudsman

Under ESSA, each state must designate an ombudsman to monitor and ensure ESSA equitable services requirements are carried out under both Title I and Title II (comprising Titles II-A, III-A, and Title IV-A&B) of the law.

### Ombudsman Contact Information:

Russ Fleming  
Equitable Services Ombudsman  
781-338-6259  
[ESEAequitableervices@doe.mass.edu](mailto:ESEAequitableervices@doe.mass.edu)



# Title IIA Equitable Participation of Private Schools

- ★ Districts must contact all private schools physically located within district boundaries.
- ★ Equitable participation amount is based on the total district TIIA allocation minus program administration.
- ★ Consult with private schools to determine their professional development needs.



# Questions



# Title III – Who

- ★ English learners (ELs), Immigrant students, and teachers/administrators of such students in private schools located in the district
- ★ ELs are identified through Home Language Survey (<http://www.doe.mass.edu/ell/hlsurvey/>) and an English proficiency screener to ensure equitable and objective means of identification of all potential ELs
- ★ Immigrant students must meet the “immigrant” definition (English proficiency is not part of the definition). **Note: The criteria for “immigrant” are not related to immigration status.**





# Title III - Funding

- ★ Title III is a formula grant.
- ★ Private school counts are included in the district's Title III allocation.
- ★ Districts begin consultation with private schools in the spring, allocations made in July/August.
- ★ Control of the funds is with the district – services, professional development, etc. are funded through the district after timely and meaningful consultation with the private school; money does not change hands.



# Title III – Meaningful Consultation

- ★ Districts contact private schools in the spring
  - ★ Title III Affirmation form is signed indicating the private school either does or does not wish to participate and whether they want further consultation in the fall
  - ★ All Title programs consultation form signed and uploaded with the Title I application
- ★ Private School form on the Title III application will briefly describe the activities to be provided and for whom.



# Title III – Possible Activities

- ★ Screening of potential ELs, assessing for progress
- ★ Tutoring, after school programs, summer programs, etc.
- ★ Professional development related to English learner issues for teachers and administrators
- ★ Equitable, secular, neutral, non-ideological



# Title III - Resources

- ★ Non-Regulatory Guidance: **Fiscal Changes and Equitable Services Requirements** (November 2016)
- ★ Non-Regulatory Guidance: **English Learners and Title III** of the Elementary and Secondary Education Act as amended by the Every Student Succeeds Act (September 2016)
  - ★ <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016.pdf>
- ★ Title III, Part A Equitable Services to Private School Students, Teachers, and Other Educational Personnel *Non-Regulatory Guidance* (July 2015)
- ★ Title IX, Part E Uniform Provisions *Equitable Services for Eligible Private School Students, Teachers, and Other Educational Personnel Non-Regulatory Guidance* (March 2009)
  - ★ <https://www2.ed.gov/policy/elsec/leg/esea02/pg111.html>



# Questions



# Special considerations

## ★ **Secular (non-religious), Neutral, Non-ideological**

- Applies to teaching space and materials used – see federal guidance on *Agostini v. Felton*  
(<http://www.ed.gov/programs/titleiparta/pvtschbenefits.doc>)

## ★ **Control of funds and contracts – must be maintained by public district at all times**

- All property purchased is owned by public school district's Title I (Title IIA, Title III) program – label property and maintain inventory
- All personnel employed are to be contracted by the public school district



# District responsibilities

- ★ Adherence to all Title regulations
- ★ Coordination with regular classroom instruction
- ★ Label and inventory Title materials
- ★ See that progress is being measured
- ★ Use assessment of student progress to modify and strengthen program (part of your program evaluation)
- ★ Adherence to the findings of Agostini v. Felton



# Questions

